



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 1, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0423

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 Standards and Duties. 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that Named Employee #1 (NE#1) sexually molested them while NE#1 was guarding the Complainant at Harborview Medical Center (HMC).

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

SUMMARY OF INVESTIGATION:

After being arrested, the Complainant was transported to King County Jail (KCJ). The Complainant was not accepted at KCJ because the Complainant reported being raped prior to their contact with SPD officers. The Complainant was then transported to HMC under guard. While at HMC, the Complainant alleged that NE#1 had been "molesting [the Complainant] all night." An SPD supervisor screened the allegation against NE#1 with OPA. OPA opened an investigation.

During its investigation, OPA reviewed the Blue Team complaint, Incident/Offense Report and Supplements, officer statements, Type I Use of Force Report, and Body Worn Video (BWV). OPA also made extensive efforts to identify and contact possible witnesses at HMC. There was no contact information for the Complainant in the SPD paperwork and OPA's attempts to locate the Complainant were not successful. OPA did not interview the Complainant.

The facts surrounding the Complainant's arrest were thoroughly documented in SPD paperwork, officer statements, and BWV. On August 5, 2021, a 911 caller reported that their 13-year-old daughter had been sexually assaulted by an adult man. The 911 caller reported that her minor daughter and the adult man were in a "relationship." The 911 caller



further reported that she had located her daughter and the adult man in Cal Anderson Park. Officers then arrived at Cal Anderson Park, where the 911 caller identified her minor daughter, who was with a small group of people hiding under a blanket. As officers tried to separate the minor daughter from the small group of people, one member of the group was arrested for attempting to physically obstruct the officers from returning the minor daughter to her mother. As officers were placing this individual under arrest, the Complainant tried to “de-arrest” the individual by pulling the individual away from officers. Officers then placed the Complainant under arrest for obstruction. During the Complainant’s arrest, the Complainant assaulted two officers by kicking them and resisted arrest with such consistency and intensity that the officers requested an American Medical Response (AMR) ambulance transport the Complainant to KCJ to reduce the risk of further injury. The Complainant was then secured to an AMR gurney for transportation.

Witness Officer #1 (WO#1) was NE#1’s partner on August 5, 2021. WO#1 escorted the Complainant in the AMR ambulance along with AMR personnel. WO#1’s BWV was activated during the entirety of the transport and did not depict the Complainant being sexually molested or making complaints about being sexually molested. BWV did depict the Complainant calling out that WO#1 had a gun, accusing the police of “abducting” them, and stating that the police were going to kill them and throw them “in a ditch.”

The Complainant’s arrest was screened by a supervisor after the Complainant arrived at KCJ. During the screening, the Complainant stated that she had PTSD and would act “violently” when restrained, despite stating that they were a “pacifist.” When the supervisor asked the Complainant if they had any medical conditions, the Complainant replied that they were a “martial artist.” The Complainant also made comments to the supervisor such as “don’t burn me” and “I’m talking to your chest.” KCJ did not accept the Complainant because the Complainant alleged they had been raped in the days before the Complainant’s contact with officers in an unrelated incident. The Complainant was then transported in the AMR ambulance to HMC.

WO#1 escorted the Complainant in the AMR ambulance along with AMR personnel the short distance from KCJ to HMC. Although WO#1’s BWV begins after WO#1, the Complainant, and AMR personnel are already inside the ambulance, the BWV did not depict the Complainant being sexually molested or making any Complaints about being sexually molested.

After arriving at HMC, WO#1 met up with NE#1. The Complainant was offloaded from the ambulance. WO#1’s BWV depicted the Complainant—still secured to the gurney—being wheeled into HMC. WO#1’s BWV then depicted the Complainant stating they did not consent to being recorded and WO#1 deactivated his BWV.

Later, WO#1 reactivated his BWV. This segment of WO#1’s BWV depicted the Complainant inside HMC, secured to the gurney. BWV then depicted the Complainant spit at NE#1 and state “now you’re audio and video recording. I’ve been asking for you to do that the whole time, f***ing idiot.”

After the Complainant spat at NE#1, NE#1 and WO#1 put the Complainant in a “spit sock”—a mesh hood that prevents individuals from spitting on others. Later, the Complainant alleged that NE#1 had been molesting her all night.

Both the screening supervisor and OPA made significant efforts to speak with the attending nurse at HMC. However, the nurse did not respond to either the screening supervisor or OPA’s attempts to speak with her. OPA made extensive efforts to identify other potential witness employees at HMC. Two HMC security guards were identified who were on-duty on the night that the Complainant was present with NE#1 and WO#1. One of the security guards did not



remember this admission, but the second security guard did. The second security guard recalled that he helped restrain the Complainant during their admission and that the Complainant was not in a private room but was on a gurney in a public hallway that night. The second security guard did not recall the Complainant making any allegations concerning NE#1 sexually molesting them.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 Standards and Duties. 2. Employees Must Adhere to Laws, City Policy and Department Policy

The Complainant alleged that NE#1 sexually molested her while NE#1 was guarding the Complainant at HMC.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

OPA did not locate any evidence to support the Complainant's allegation that NE#1 molested them. NE#1's interactions with the Complainant appeared to be limited to guarding the Complainant while inside of HMC. During this time, the Complainant was secured to a gurney, visible in a public hallway. Moreover, NE#1 was present with his partner, WO#1, during this time. Additionally, no hospital staff came forward to report any molesting actions on the part of either NE#1 or WO#1. The two HMC witnesses that OPA was able to identify, similarly, did not remember any molesting actions on the part of NE#1 or WO#1.

In the absence of any additional information from the Complainant or corroborating evidence, OPA finds that this allegation more likely than not either did not occur or did not occur as alleged. In weighing the available evidence, OPA notes that no HMC employee came forward to report any kind of sexual molestation—or report of sexual molestation—by NE#1, despite the fact that the Complainant was visible in a public hallway while present at HMC. Relatedly, OPA had to expend considerable time and effort repeatedly reaching out to HMC to locate two potential witnesses, neither of whom remembered any misconduct by NE#1. Had the allegation occurred as alleged by the Complainant, OPA finds it unlikely that no HMC employee would have corroborative information or would fail to come forward. Instead, it appears far more likely that this allegation was one of several provocative—but untrue—statements or accusations that the Complainant made against the police on the night of the Complainant's arrest.

Accordingly, OPA recommends a finding of Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded (Expedited)**